

Frequently Asked Questions

Cesspools and the Rhode Island Cesspool Act of 2007

September 21, 2007

State law, state regulation or local ordinance – what do I have to comply with? What has changed?

The Rhode Island Cesspool Act of 2007 does not take effect until June 1, 2008. DEM can not issue Rules to implement the requirements of the law until then, however, the mandatory replacement dates are specified in the law as outlined below.

Some municipalities already have requirements affecting cesspools. If your municipality has established a wastewater management program with comparable or more stringent cesspool replacement requirements, you are exempt from the requirements of the state law, but you must comply with the local ordinance. At least 3 municipalities (Charlestown, South Kingstown, and Block Island) have requirements to replace all cesspools in the community, not just those identified under the state law.

DEM is in the process of issuing new Rules for septic systems. These new Rules, like the current Rules, allow the continued use of cesspools unless they are failed.

How do I know if I have a cesspool?

A cesspool is any buried chamber (could be a metal tank, a perforated concrete vault, or a covered hollow or excavation) that receives sewage from a building for disposal into the ground. If you know you are not connected to the public sewer system, but don't know whether you have a cesspool or a septic tank with a leachfield, you will have to hire someone to determine if you have a cesspool. Licensed septic system designers, licensed home inspector, registered septic system inspectors, professional engineer, professional land surveyor, or other knowledgeable person can make this determination. Note that this initial determination is not necessarily the same as the formal cesspool inspection required by the Cesspool Act. See below for additional information on inspections.

Do I have to replace my cesspool? If so, when?

There are 3 possible scenarios under which you are or will be required to replace your cesspool:

- 1) Your cesspool is failed (see definition below). This applies anywhere in the state and is required under current regulations;
- 2) You have a cesspool that serves a commercial facility or multifamily dwelling. This applies anywhere in the state under the proposed new septic system rules; or
- 3) Your cesspool is located within one of the three areas described below, effective June 1, 2008:
 - Within 200 feet of the inland edge of all shoreline features bordering tidal water areas (i.e., Coastal Resources Management Council's jurisdiction);
 - Within 200 feet of all public wells; and
 - Within 200 feet of a water body with an intake for a drinking water supply.

Within the three 200 foot zones identified above:

- All cesspools will have to be inspected, on a rotating basis, within a 4-year time period, completed by January 1, 2012;
- All cesspools found to be failed will need to be replaced within 1 year;
- All cesspools found in already sewered areas will need to be hooked-up to the sewer within one year of the sale of the associated property; and
- All other cesspools will need to be replaced by January 1, 2013.

How do I know if my cesspool is in one of these 200 foot zones?

The public wells, water bodies for drinking water supply and the coastline features can be determined from the information below. Once you have determined that you are in close proximity to one of these features, you will have to make a determination (or hire a professional) as to whether or not you are within 200 feet.

- The water bodies from which water is withdrawn for drinking water supply are: Bristol County Water Authority – Kickemuit Reservoir; Cumberland (town of) – Sneece Pond; Eleanor Slater Hospital/Zambarano Unit – Wallum Lake; Jamestown (town of) – Jamestown Reservoir; New Shoreham (town of) – Fresh Pond and Sands Pond; Newport (city of) – Easton Pond, Green End Pond, Lawton Valley Reservoir, Nelson Pond, Nonquit Pond, St. Mary’s Pond, Sisson Pond, Watson Reservoir; Pawtucket Water Supply Board – Happy Hollow Pond; Providence Water Supply Board – Scituate Reservoir; Stone Bridge Fire District – Stafford Pond; Woonsocket (city of) – Reservoir No. 1; Yawgoog Scout Reservation – Yawgoog Pond.
- Refer to the RI Department of Health Public Health Directory website at: <http://ri.phd.gegov.com/phd.cfm> for a list of all facilities with a public well. Search under “Profession: Public Water System”, “License Type: All License Types”, “Secondary License Type: All Secondary License Types”. Note that public wells include large municipal wells and also wells serving schools, factories, mobile home parks, nursing homes, restaurants, hotels, etc.
- Refer to the RI Coastal Resources Management Council “Coastal Resources Management Program” for an overview of the CRMC jurisdictional area at: <http://www.crmc.ri.gov/regulations/index.html>

Who will inspect my cesspool and at what cost?

Property owners will hire private sector professionals that have been pre-qualified and registered by DEM. Average inspection costs are likely to range from \$75-\$250, plus an additional \$175 to \$200 if the cesspool needs to be pumped. A list of registered septic system inspectors is available online at: <http://www.dem.ri.gov/programs/benviron/water/permits/isds/index.htm>.

How do I know if I have a “failed cesspool”?

A failed cesspool is one that meets **any** of the criteria below. Note that a cesspool can appear to function in a manner that disposes of the waste and still be considered a “failed cesspool” under the criteria below. In other words, a backup of sewage or leakage onto the ground surface are not the only criteria for failure.

- Cesspool fails to accept sewage, as evidenced by sewage backing up onto the ground surface or into the building it serves;

- The liquid level in the cesspool is less than 6 inches from the bottom of the pipe that drains into it;
- The cesspool has to be pumped more than 2 times per year;
- The cesspool has been shown to have contaminated a drinking water well, stream or wetland;
- The bottom of the cesspool is below the groundwater table at any time of year, resulting in direct connection between the waste in the cesspool and the groundwater.

How much does it cost to replace a cesspool with a proper septic system?

The average cost to replace a cesspool with a conventional septic system is approximately \$10,000. However, replacements on very small lots, lots in close proximity to wells and water bodies, or lots subject to other constraints might not be feasible with conventional septic systems. In such cases, the use of more advanced systems with alternative technologies may be required. Under the proposed revisions to the State's septic system rules currently being developed, cesspools within the CRMC Special Area Management Plans for the salt ponds and Narrow River that have to be replaced under the Cesspool Act or because of failure will have to be replaced with an advanced septic system that reduces nitrogen. These alternative systems can be twice as expensive as conventional systems. See financing options below.

How much does it cost to tie-in to a sewer system?

The cost for a sewer tie-in depends on the distance from the home to the sewer stub, the presence of obstacles above ground (e.g., a pool), or below ground (e.g., ledge), and any required re-plumbing in the home. The typical cost can range from \$1,000 to \$2,000.

My neighborhood is planned to be sewer. Do I need to replace my cesspool?

No, provided you meet **all** of the following:

- Cesspool is not failed;
- Your property is proposed to be sewer no later than January 1, 2018;
- You do not propose to increase flow of wastewater to the cesspool (for residential structures, you are not proposing to add a bedroom) within this 5 years;
- Your city or town holds bonding authorization for expansion of sewers to the area of the building served by the cesspool; and
- You certify in writing that the building will be connected to the sewer system within 6 months of receipt of notification to connect to the sewer system.

Is there any financial assistance available for replacing my cesspool?

Financial assistance in the form of low-interest loans is available through the Clean Water Finance Agency for residents replacing their cesspool (or conventional system that has failed) in municipalities that have enacted wastewater management programs and are participating in the Community Septic System Loan Program. Also, Governor Carcieri has announced his intent to introduce an environmental bond proposal for 2008 that would include funding for cesspool replacements. Although the details have yet to be worked out, the bond funds could be used to provide loans or grants to homeowners who are subject to the replacement program and have financial needs.

If I want to sell my house, do I have to replace my cesspool?

If you are in an area with a public sewer system and in one of the three 200 foot zones identified above effective June 1, 2008, the property will have to be hooked-up to the sewer system within one year of the sale. Otherwise, there are no time of sale requirements under the new law.

The new law will allow – via a voluntary inspection opportunity – for the identification and assessment of cesspools on all properties throughout the State that are subject to sale. Also, any purchaser of real estate must be given a standard notice by the seller of the inadequacy of cesspools and the applicability of the replacement requirement to all cesspools located within the three 200 foot zones identified above.

If I want to install a pool/shed/deck in my yard, do I have to replace my cesspool?

Building an accessory structure such as a swimming pool or storage shed in your yard will not, by itself, trigger the requirement to replace your cesspool under the Cesspool Act. However, accessory structures take up space that may be needed to install a code-compliant septic system in the future. Homeowners should carefully consider the location of such structures in light of the potential need to replace a cesspool at a later date, whether under the Cesspool Act, due to system failure, or pursuant to the state septic system Rules. Careful siting of accessory structures can avoid the need to relocate these structures or incur additional costs for the installation of a new septic system.

How many cesspools are likely to be affected by this law?

DEM estimates that there are up to 50,000 cesspools in RI. DEM has also estimated that the Cesspool Act of 2007 will result in the removal of approximately 3,000 cesspools.

Why are cesspools considered to be bad for the environment compared to a conventional septic system?

All cesspools in Rhode Island pre-date 1968, the first year regulations for septic systems took effect. Cesspools are considered substandard systems. They don't treat wastewater, they merely dispose of it. Cesspools concentrate the wastewater in one location, often deep within the ground and in direct contact with groundwater, causing groundwater contamination. This groundwater flows into drinking water wells and surface waters contributing to adverse public health and environmental impacts. In contrast, conventional septic systems place the wastewater well above the level of soils saturated by groundwater and they disperse this effluent over a large area, which results in substantial removal of pathogens and other pollutants.

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- If you have questions about cesspools, local wastewater management, or RI DEM's Septic System Program, see <http://www.dem.ri.gov/programs/benviron/water/permits/isds/index.htm>.
 - For additional information about the proposed changes to the septic system Rules, see <http://www.dem.ri.gov/programs/benviron/water/permits/isds/draftreg.htm>.
 - For other questions on the topics listed here, please contact Jon Zwarg in the DEM Office of Water Resources at 401-222-4700 ext.7205 or at jonathan.zwarg@dem.ri.gov.